

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation, also titled The Flinn Report in memory of founding JCAR member Rep. Monroe Flinn, is designed to inform and involve the public in changes taking place in agency administration.

Emergency Rules

■ VOTE BY MAIL

The STATE BOARD OF ELECTIONS adopted an emergency amendment to an emergency rule titled Vote By Mail Expansion (26 IAC 225; 44 Ill Reg 14373), effective 8/20/20, amending the original emergency rule effective July 2, 2020 (44 Ill Reg 11914) for the remainder of its 150-day term. The emergency amendment clarifies that if an election authority rejects an application for a mail-in ballot for any reason (e.g., lack of a signature on the application), the applicant must be notified that the vote by mail application was rejected; given the reason for the rejection; and notified that he or she may submit a new application as soon as practicable, but no later than 5 days prior to Election Day if the application is submitted by mail or electronically and no later than 1 day prior to Election Day if the application is delivered

COVID-19 ACTIONS

Numerous Executive Orders and emergency rules have been issued in response to the COVID-19 pandemic. Executive Orders of the Governor concerning this pandemic can be accessed at <https://www2.illinois.gov/government/executive-orders>. Emergency rules adopted by State agencies will be summarized in The Flinn Report as they are published in the *Illinois Register*.

to the election authority in person. For vote by mail applications that have already been submitted and rejected prior to 8/20/20, the election authority must mail the required notices on or before 8/28/20 to meet the requirements of this rule. Local election authorities are affected by this emergency amendment.

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Proposed Rulemakings

CAMPING

The DEPARTMENT OF NATURAL RESOURCES proposed an amendment to Camping on Department of Natural Resources Properties (17 IAC 130; 44 Ill Reg 14088) updating provisions for Rent-A-Camp tent camping at designated State parks and recreational areas. If resources and funding allow, DNR or its concessionaires will make Rent-A-Camp tents available, consisting of (at a minimum) an already erected tent on a platform and one sleeping mattress, for a basic fee of \$6 per night, plus the per-night fee charged by the concessionaire for access to amenities and for set-up costs. (Currently, Rent-A-Camp tents come with either 4 or 8 sleeping cots and cost \$8 or \$12 per night plus concession fees.)

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ADOPTED RULES: Rules adopted by agencies this week. **EMERGENCY RULES:** Adopted for a temporary period not to exceed 150 days.
PROPOSED RULES: Rules proposed by agencies this week, commencing a 45-day First Notice period during which public comments must be accepted.
PEREMPTORY RULES: Rules adopted without prior public notice or JCAR review as authorized by 5 ILCS 100/5-50.
■ Designates rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.
QUESTIONS/COMMENTS: Submit mail, email or phone calls to the agency personnel listed below each summary.
RULE TEXT: Available on the Secretary of State (www.cyberdriveillinois.com) and General Assembly (www.ilga.gov) websites under Illinois Register. Second Notice text (original version with changes made by the agency during First Notice included) is available on the JCAR website.

Adopted Rules

RESTRICTED DRIVING

The SECRETARY OF STATE adopted amendments to the Parts titled Procedures and Standards (92 IAC 1001; 44 Ill Reg 2246) and Cancellation, Revocation or Suspension of Licenses or Permits (92 IAC 1040; 44 Ill Reg 2324), both effective 8/19/20, revising certain provisions for restricted driving permits (RDPs) that are contingent upon use of Breath Alcohol Ignition Interlock Devices (BAIIDs) that prevent a vehicle from being started if alcohol is detected on the driver's breath. Both rulemakings provide that RDP holders classified as High Risk Dependent cannot lose their permits solely on the basis of BAIID readings indicating failure to maintain abstinence. (SOS states that as long as the BAIID detects alcohol use and prevents the permit holder from starting the vehicle, the public is protected, so there is no reason to revoke the permit on that basis alone.) Additionally, the Part 1001 rulemaking allows High Risk

Dependent RDP petitioners to be enrolled in the medical cannabis program, provided they prove stability in the program for at least 1 year and have documentation from their primary physician and primary substance abuse service provider. The Part 1001 rulemaking also prohibits BAIID providers or installers from using personal information submitted by permittees to solicit them to purchase non-BAIID related products or services (e.g., insurance, auto repair) and changes the due date for invoices requiring reimbursement for indigent permit holders from the 15th to the 8th of the month.

Questions/requests for copies: Pamela Wright, SOS, 298 Howlett Bldg., Springfield IL 62756, 217/785-3094, pwright@ilsos.gov

■ TURKEY HUNTING

The DEPARTMENT OF NATURAL RESOURCES adopted amendments to The Taking of Wild Turkeys-Spring

Season (17 IAC 710; 44 Ill Reg 8122) effective 8/20/20, allowing permit cancellations and refunds if the State-managed or -owned site for which a permit was issued has been closed due to an emergency or disaster declaration (including, but not limited to, closures in response to the Gubernatorial Disaster Proclamations). Permits may also be cancelled and refunds issued if a medical condition or death of the permit holder prevented use of the permit (DNR may require medical documentation or a death certificate before issuing a refund); if the permit holder was unable to travel or use the permit due to a State or national emergency; if the permit applicant did not obtain a permit in the lottery for which the applicant applied; or if a permit was issued in error. Hunters seeking refunds for 2020 spring turkey hunt permits that were not used due to the COVID-19 pandemic must submit their refund requests by 12/1/20. For the 2021

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Proposed Rulemakings

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DNR states that this rulemaking is intended to facilitate tent camping by persons who do not possess their own camping equipment.

Questions/requests for copies/comments through 10/19/20: George Sisk, DNR, One Natural Resources Way, Springfield IL 62702, 217/785-8693.

IDOT GRANTS

The DEPARTMENT OF TRANSPORTATION proposed a new Part titled General Grantmaking (DOT) (44 IAC 7050; 44 Ill Reg 14099) implementing requirements of the Grant Accountability and Transparency Act (GATA) with regard to non-federal entities that receive State and federal pass-through grant awards from DOT. The new Part

incorporates federal grant rules at 2 CFR 200 as they were in effect on 1/1/20. Program-specific exemptions from GATA will be recorded in the Catalog of State Financial Assistance.

Questions/requests for copies/comments through 10/19/20: Greg Stucka, DOT, 2300 S. Dirksen Pkwy., Rm. 317, Springfield IL 62764.

Emergency Rules

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Questions/requests for copies: Marni M. Malowitz, SBEL, 100 W. Randolph St., Suite 14-100, Chicago IL 60601, 312/814-6462.

■ HEALTHCARE WORKERS

The DEPARTMENT OF PUBLIC HEALTH adopted emergency amendments to Home Health, Home Services, and Home Nursing Agency Code (77 IAC 245; 44 Ill Reg 14328), Long-Term Care Assistants and Aides Training Programs Code (77 IAC 395; 44 Ill Reg 14350), and Health Care Worker Background Check Code (77 IAC 955; 44 Ill Reg 14355), all effective 8/24/20 for a maximum of 150 days. These emergency rules, which address issues related to the COVID-19 pandemic, replace previous emergency rules that were effective 3/25/20 and expired 8/21/20. Amendments to Part 245 suspend, for the duration of the Gubernatorial Disaster Proclamations, the in-person registered nurse supervisory visits and agency supervisory visits normally required for home health, home services, or home nursing agencies; these supervisory visits may be conducted via telephone or electronic means where available. The Part 395 and 955 rulemakings allow military personnel with medical training (e.g. corpsmen, combat medics) to serve as certified nursing assistants (CNAs) in healthcare facilities while the COVID-19 emergency continues. The normal requirements for Illinois

certification of CNAs licensed in another state are also suspended, provided that the out of State CNA is in good standing and is working under the direction of the Illinois Emergency Management Agency and DPH. CNAs with inactive status on the DPH Health Care Worker Registry for less than 5 years, and in good standing at the time they became inactive, may resume work as CNAs immediately. CNAs and other healthcare workers are affected by these emergency rules.

HOSPITALS

DPH also repealed emergency amendments to Hospital Licensing Requirements (77 IAC 250; 44 Ill Reg 7788) effective 8/24/20. The repealed emergency rules, effective 4/16/20, had established procedures for licensed hospitals to set up alternate care facilities for overflow patients at remote or temporary locations and had also suspended various requirements for existing hospitals. DPH states that, due to changes in the Executive Order that the repealed rule implemented, it will be replaced by a new emergency rule.

Questions/requests for copies of the 4 DPH emergency rules: Erin Conley, DPH, 535 W. Jefferson St., 5th Fl., Springfield IL 62761, 217/782-2043, dph.rules@illinois.gov

■ VEHICLE REGISTRATION

The SECRETARY OF STATE adopted an emergency amendment to the Part titled

Remittance Agents (92 IAC 1019; 44 Ill Reg 14360) effective 8/20/20 for a maximum of 150 days. An identical proposed amendment appears in this week's *Illinois Register* at 44 Ill Reg 14097. The emergency rule requires that, effective 9/1/20, all applications for vehicle title, registration, or both title and registration be submitted electronically, either via the SOS website or by an approved Electronic Registration and Titling (ERT) service provider. Title and registration applications submitted by remittance agents will no longer be processed on paper at SOS Vehicle Services facilities in Chicago and Springfield. Remittance agents must electronically submit all transactions within 5 days after receipt and submit any required supporting documentation (with required fees affixed) within 20 calendar days after submission of the transaction. Employees of remittance agents who are authorized to process transactions must present an identification card when attempting to process transactions, and include his/her assigned remittance agent number on the electronically submitted form. Businesses that process applications for vehicle titles and registrations are affected by this emergency rule.

■ DRIVING SCHOOLS

SOS also adopted an emergency amendment to the Part titled Commercial Driver Training Schools (92 IAC 1060; 44 Ill Reg 14365), effective 8/20/20,

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Adopted Rules

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spring turkey season, group hunt applications for groups of up to 6 persons will be accepted in the first and second lottery drawings. The new amendments also make site-specific and procedural changes. Those affected by this rulemaking include individuals and outfitters who were unable to use 2020 spring turkey season permits for which they had applied.

Questions/requests for copies: John Heidinger, DNR, One Natural Resources Way, Springfield IL 62702, 217/782-1809.

■ CANNABIS BUSINESSES

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION adopted a new Part titled Cannabis Regulation and Tax Act (68 IAC 1291; 44 Ill Reg 10343), effective 8/24/20, replacing a Part adopted by an emergency rule that expired on 6/5/20. The rule implements provisions of Public Act 101-27 with regard to multiple applicants for available cannabis dispensary licenses in the same region receiving the same application score. A tied applicant organization will be eliminated from consideration if it shares principal officers with other tied applicants. If two or more eligible applicants remain, DFPR will hold a random drawing to determine which applicants will have first, second, etc. right to the available licenses. Unsuccessful applicants who contest the Department's decision

are not entitled to an administrative hearing but may seek judicial review of the denial. Applicants for cannabis dispensary licenses may be affected.

Questions/requests for copies: Craig Cellini, DFPR, 320 W. Washington St., 3rd Fl., Springfield IL 62786, 217/785-0813, fax 217/557-4451.

FUNERALS

The DEPARTMENT OF HUMAN SERVICES adopted an amendment to Related Program Provisions (89 IAC 117; 44 Ill Reg 5993) effective 4/6/20, replacing an emergency amendment effective 4/6/20 at 44 Ill Reg 6114. This amendment increases the maximum reimbursement amount for the funeral expenses of an eligible decedent to \$1,370 and the maximum reimbursement amount for burial or cremation to \$686. (Reimbursement limits in current rule are based on inflationary increases from benchmark amounts established in 2002.) Funeral service providers may be affected.

Questions/requests for copies: Tracie Drew, DHS, 100 S. Grand Ave. East, 3rd Fl., Springfield IL 62762, 217/785-9772.

AIR POLLUTION

The POLLUTION CONTROL BOARD adopted amendments to Definitions and General Provisions (35 IAC 211; 44 Ill Reg 9305) and Air Quality Standards (35 IAC 243;

44 Ill Reg 9330), both effective 8/18/20, updating various provisions to conform to federal regulations. Amendments to Part 211 update the list of compounds exempted from the definition of volatile organic compound (VOM). The Part 243 rulemaking amends the Illinois ambient air quality requirements to correspond with recent amendments to the federal National Ambient Air Quality Standards (NAAQS).

Questions/requests for copies of the 2 PCB rulemakings: Michael J. McCambridge, PCB, 100 W. Randolph, Suite 11-500, Chicago IL 60601, 312/814-6924. Please reference docket R19-15 for Part 211 and consolidated docket R19-14/R20-3/R20-11 for Part 243.

PCB PUBLIC INFORMATION

PCB also adopted amendments to Organization, Public Information, and Types of Proceedings (2 IAC 2175; 44 Ill Reg 14166) effective 8/21/20, updating its organizational provisions and organizational chart, reflecting current meeting practices (including the use of audio/video conferencing) in accordance with the Open Meetings Act, establishing a fee of \$75 for filing a petition for a time-limited water quality standard, and allowing electronic payment of fees.

Questions/requests for copies: Marie Tipsord, PC B, 100 W. Randolph St., Suite 11-500,

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Adopted Rules

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Chicago IL 60601, 312/814-6931, marie.tipsord@illinois.gov. Please reference docket number R21-17.

DJJ PUBLIC INFORMATION

The DEPARTMENT OF JUVENILE JUSTICE adopted a new Part titled Access to Records of the Department of Juvenile Justice (2 IAC 1010; 44 Ill Reg 14115) effective 8/18/20, establishing separate Freedom of Information Act (FOIA) rules for the Department to replace its shared FOIA rules with the Department of Corrections at 2 IAC 851. This Part outlines procedures for requesting publicly available records from DJJ via FOIA.

Questions/requests for copies: Lindsay M. Bentivegna, DJJ, 2715 W. Monroe St., Springfield IL 62704, 217/557-1030, DJJ.Rules@illinois.gov

Emergency Rules

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amending a previous emergency rule effective 5/21/20 at 44 Ill Reg 10021 for the remainder of its 150-day term. This emergency amendment makes two changes to SOS emergency rules for driving schools operating during recovery from the COVID-19 pandemic: it no longer restricts each student to one hour of behind the wheel instruction per day, and it waives requirements for

Second Notices

The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. These rulemakings will be considered at the September 15, 2020 JCAR meeting. Other items not published in the *Illinois Register* or The Flinn Report may also be considered. Further comments concerning these rulemakings should be addressed to JCAR using the contact information on page 1.

DEPT OF FINANCIAL AND PROFESSIONAL REGULATION

Student Loan Servicing Rights (38 IAC 1010; 44 Ill Reg 11368) proposed 7/10/20

DEPT OF REVENUE

Hotel Operators' Occupation Tax Act (86 IAC 480; 44 Ill Reg 2706) proposed 2/14/20

SECRETARY OF STATE

Certificates of Title, Registration of Vehicles (92 IAC 1010; 44 Ill Reg 3341) proposed 3/6/20

Issuance of Licenses (92 IAC 1030; 44 Ill Reg 9923) proposed 6/5/20

Commercial Driver Training Schools (92 IAC 1060; 44 Ill Reg 9926) proposed 6/5/20

observation hours until the region in which the driving school is located reaches Phase 5 (complete recovery/restoration of normal operations; previously, this requirement had been waived through 8/31/20). Commercial driver training schools and their students are affected.

Questions/requests for copies/comments on the proposed Part 1019 rulemaking through 10/19/20: Pamela Wright, SOS, 298

Howlett Bldg., Springfield IL 62756, pwright@ilsos.gov. Questions/requests for copies of the Part 1060 emergency amendment: Brenda Glahn (bglahn@ilsos.gov) at the same address.